

AMENDED IN SENATE MAY 8, 2001

AMENDED IN SENATE APRIL 26, 2001

**SENATE BILL**

**No. 624**

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**Introduced by Senator Soto**

February 22, 2001

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An act to amend Section 23115 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 624, as amended, Soto. Vehicles: garbage: cover.

(1) Existing law prohibits a vehicle loaded with garbage, swill, cans, bottles, wastepapers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous, or offensive matter, or anything being transported to a dump site for disposal from being driven or moved upon any highway unless the load is totally covered, as specified.

This bill would recast this prohibition to prohibit a vehicle from transporting, rather than prohibiting a vehicle loaded with, the materials specified above, and would include *waste* cardboard as one of the materials that would be required to be totally covered while being transported, ~~with an exception with respect to transporting corrugated cardboard for recycling~~. The bill would also include transporting the matter for recycling, and would delete reference to a dump site. *The bill would provide that vehicles transporting wastepaper, waste cardboard, or used cans or bottles, are in compliance with these provisions if appropriate binders including, but not limited to, bands, wires, straps, or netting are used to prevent the load, or any part of the load, from spilling or falling from the vehicle. The bill would exempt any vehicle transporting wet waste fruit or vegetable matter, or waste products to*

or from a food processing establishment, from application of its provisions.

Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23115 of the Vehicle Code is amended  
2 to read:

3 23115. (a) No vehicle transporting garbage, swill, ~~cans,~~  
4 ~~bottles~~ *used cans or bottles*, wastepapers, ~~waste~~ cardboard, ashes,  
5 refuse, trash, or rubbish, or any noisome, nauseous, or offensive  
6 matter, or anything being transported for disposal or recycling  
7 shall be driven or moved upon any highway unless the load is  
8 totally covered in a manner that will prevent the load or any part  
9 of the load from spilling or falling from the vehicle, ~~except as~~  
10 ~~provided in subdivision (c).~~

11 (b) Subdivision (a) does not prohibit a rubbish vehicle from  
12 being without cover while in the process of acquiring its load if no  
13 law, administrative regulation, or local ordinance requires that it  
14 be covered in those circumstances.

15 (c) *Vehicles transporting wastepaper, waste cardboard, or used*  
16 *cans or bottles, are totally covered in compliance with subdivision*  
17 *(a) if appropriate binders including, but not limited to, bands,*  
18 *wires, straps, or netting are used to prevent the load, or any part*  
19 *of the load, from spilling or falling from the vehicle.*

20 ~~This~~

21 (d) *This* section does not apply to any vehicle engaged in  
22 transporting wet waste fruit or vegetable matter, or waste products  
23 *to or from a food processing establishment.*

1 ~~(c) (1) Corrugated cardboard transported for recycling is~~  
2 ~~excluded from subdivision (a) if either of the following applies to~~  
3 ~~that cardboard:~~

4 ~~(A) It is banded, baled, strapped, or palletized, so as to restrain~~  
5 ~~the material from spilling or falling from the vehicle where the~~  
6 ~~bands, wires, or straps meet all of the following requirements:~~

7 ~~(i) Are a maximum of six inches from either end of the unit or~~  
8 ~~bale.~~

9 ~~(ii) Average a maximum of 12 inches across the length of the~~  
10 ~~unit or bale of the contained materials, and units of 48 inches or~~  
11 ~~more, have a minimum of five bands, wires, or straps across the~~  
12 ~~length.~~

13 ~~(iii) The units or bales maintain a minimum density of 12~~  
14 ~~pounds per cubic foot.~~

15 ~~(B) It is contained within outside packaging materials.~~

16 ~~(2) For purposes of this subdivision, the “length of the unit” is~~  
17 ~~that measurement that runs perpendicular to the direction of the~~  
18 ~~bands, wires, or straps. The “end of the unit or bale” is the two~~  
19 ~~edges between which the length is measured and parallel to, and~~  
20 ~~beyond the last bands, wires, or straps.~~

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.